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| 10/564,848  | 01/13/2006  | Ku-Bong Min          | 2080-3483           | 2342             |
| 35884                      7590                      03/18/2008<br>LEE, HONG, DEGERMAN, KANG & SCHMADEKA<br>660 S. FIGUEROA STREET<br>Suite 2300<br>LOS ANGELES, CA 90017 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| KEEHN, RICHARD G  |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 2152  |             |                      |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/564,848

**Applicant(s)**

MIN ET AL.

**Examiner**

Richard G. Keehn

**Art Unit**

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This office action is in response to the Amendment filed on 02/11/2008.

This office action is made **Final**.

### ***Response to Arguments***

1. Applicant's arguments and amendments, see DRAWING OBJECTIONS, filed 2/11/2008, with respect to the lack of numbers on the drawings have been fully considered and are persuasive. The objections of the drawings have been withdrawn.
2. Examiner acknowledges amended changes in the specification to reflect the claim of foreign priority.
3. Examiner acknowledges the changes in the specification corresponding to the assignment of item numbers in the drawings and to correct typographical errors.
4. Applicant's arguments with respect to the rejection of claims 21-38 under Title 35 U.S.C. 102(b) have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 21-26, 28-29, 34-36 and 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added material which is not supported by the original disclosure is as follows:

- The additional limitation "a single local network" in Claims 21, 26 and 34;
- The additional limitation "at least two services" in Claims 21, 22, 23, 25, 26, 28, 29, 35, 36 and 38.

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
10. Claims 21-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0046338 A1 (Runkis) in view of US 5,751,338 (Ludwig, Jr.).

As to Claim 21, Runkis discloses an invention substantially as claimed, including a method for delivering content playback related information between devices [sic], the method comprising:

obtaining state information from at least two services (Runkis, Page 6, paragraph 0072 recites user-generated data files to be transmitted to the central controller; Page 3, paragraph 39 recites that services may include audio, video, games, etc. at least two of which contain video content to be transported and rendered);

invoking an action to a device to store the state information in the device (Runkis, Page 6, paragraph 0072 recites user-generated data files being stored in a non-volatile storage medium),

wherein the state information is included in the action as an input argument (Runkis, Page 4, paragraph 0049 recites the use of multiple PANO objects which are a

superobject encompassing both software and hardware. Page 5, paragraph 0065 recites that the PANO monitors, controls and regulates data transfers across a network. Page 6, paragraph 0073 recites that the server in this PANO network is the central controller's database, wherein the user's preference codes are transferred as an input argument to the central controller) and the state information includes information related to rendering states in which content data is rendered (Runkis, Page 7, paragraph 0078 recites the rendering state being captured for the restart of rendering at another location); and

storing the state information in the device according to the action (Runkis, Page 6, paragraph 0073 recites user-generated data files being stored in the central controller's database).

Runkis does not disclose, but Ludwig, Jr. discloses an invention substantially as claimed, including on a single network (Ludwig, Jr. – Column 2, lines 54-61 recite multimedia communications carried out on a local area network).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine LAN taught by Ludwig, Jr., with delivering content playback related information between devices taught by Runkis.

One of ordinary skill in the art at the time the invention was made would have been motivated to offer flexible rendering on existing low cost hardware using current technology (Ludwig, Jr. – Column 2, lines 54-59).

As to Claim 22, the combination of Runkis and Ludwig, Jr. discloses an invention substantially as claimed, including the method of claim 21, wherein the at least two services are related to playback of content (Runkis, Page 7, paragraph 0078 recites a service being an audio/visual service and rendering; Page 3, paragraph 39 recites that services may include audio, video, games, etc. at least two of which contain video content to be transported and rendered).

As to Claim 23, the combination of Runkis and Ludwig, Jr. discloses an invention substantially as claimed, including the method of claim 21, wherein the at least two services (Page 3, paragraph 39 recites that services may include audio, video, games, etc. at least two of which contain video content to be transported and rendered) each comprises each of:

An AVTransport service(Runkis, Page 7, paragraph 0078 recites a service being an audio/visual service and rendering); and

a Rendering Control service (Runkis, Page 7, paragraph 0078 recites a service being an audio/visual service and rendering control of watching a feature movie).

As to Claim 24, the combination of Runkis and Ludwig, Jr. discloses an invention substantially as claimed, including the method of claim 21, wherein the stored state information includes information used as control information for late playback of a content from a position where playback of the content is stopped (Runkis, Page 7, paragraph 0078 recites a service being capable of storing the state of playback, and

retrieving and rendering at a different location from the point in the rendering where playback was interrupted; Page 7, paragraph 0078 recites the rendering state being captured for the restart of rendering at another location).

As to Claim 25, the combination of Runkis and Ludwig, Jr. discloses an invention substantially as claimed, including the method of claim 21, wherein the device includes the at least two services (Runkis, Page 7, paragraph 0078 recites a service being an audio/visual service and rendering control of watching a feature movie; Page 3, paragraph 39 recites that services may include audio, video, games, etc. at least two of which contain video content to be transported and rendered).

As to Claim 26, Runkis discloses an invention substantially as claimed, including a system for delivering content playback related information, the system [sic] comprising:

a server for storing content (Runkis, Page 6, paragraph 0072 recites the use of the central controller's database as serving multiple PANOs.);

a device including at least two services (Runkis, Page 7, paragraph 0078 recites a service being an audio/visual service and rendering control of watching a feature movie; Page 3, paragraph 39 recites that services may include audio, video, games, etc. at least two of which contain video content to be transported and rendered); and



a control point for controlling the server and the device (Runkis, Page 6, paragraph 0073 recites the PANO controlling the central controller server and rendering device),

wherein the control point:

obtains state information from the at least one service (Runkis, Page 6, paragraph 0072 recites user-generated data files to be transmitted to the central controller); and

invokes an action to the server to store the state information in the server (Runkis, Page 6, paragraph 0072 recites user-generated data files being stored in a non-volatile storage medium, invoked by the PANO),

wherein the state information is included in the action as an input argument (Runkis, Page 4, paragraph 0049 recites the use of multiple PANO objects which are a superobject encompassing both software and hardware. Page 5, paragraph 0065 recites that the PANO monitors, controls and regulates data transfers across a network. Page 6, paragraph 0073 recites that the server in this PANO network is the central controller's database, wherein the user's preference codes are transferred as an input argument to the central controller) and the state information includes information related to rendering states in which content data is rendered (Runkis, Page 7, paragraph 0078 recites the rendering state being captured for the restart of rendering at another location).

Runkis does not disclose, but Ludwig, Jr. discloses an invention substantially as claimed, including embedded in a single local network (Ludwig, Jr. – Column 2, lines 54-61 recite multimedia communications carried out on a local area network).

The motivation and obviousness arguments are the same as in Claim 21.

As to Claim 27, the combination of Runkis and Ludwig, Jr. discloses an invention substantially as claimed, including the system of claim 26, wherein the server stores the state information according the action (Runkis, Page 6, paragraph 0073 recites the central controller's database storing information according to the request of the PANO).

As to Claim 28, the combination of Runkis and Ludwig, Jr. discloses an invention substantially as claimed, including the system of claim 26, wherein the at least two services are related to playback of the content (Runkis, Page 7, paragraph 0078 recites a service being an audio/visual rendering service for of watching a feature movie; Page 3, paragraph 39 recites that services may include audio, video, games, etc. at least two of which contain video content to be transported and rendered).

As to Claim 29, the combination of Runkis and Ludwig, Jr. discloses an invention substantially as claimed, including the system of claim 26, wherein the at least two services (Page 3, paragraph 39 recites that services may include audio, video, games, etc. at least two of which contain video content to be transported and rendered) each comprise at least both of:

an AVTransport service (Runkis, Page 7, paragraph 0078 recites a service being an audio/visual rendering service for of watching a feature movie); and

a Rendering Control service (Runkis, Page 7, paragraph 0078 recites a service being an audio/visual rendering service for of watching a feature movie).

As to Claim 30, the combination of Runkis and Ludwig, Jr. discloses an invention substantially as claimed, including the system of claim 29, wherein the server includes the AVTransport service and the device includes the Rendering Control service (Runkis, Page 6, paragraphs 0072-0074 describe a system wherein a home computer, which is be capable of supporting the transport of AV signals to remote rendering devices which render images and sound, through the use of the PANO superobject and network).

As to Claim 31, the combination of Runkis and Ludwig, Jr. discloses an invention substantially as claimed, including the system of claim 29, wherein the device includes both the AVTransport service and the Rendering Control service (Runkis, Page 6, paragraphs 0072-0074 describe the PANO, which is an object of hardware and software capable of transporting AV signals and rendering images and sound).

As to Claim 32, the combination of Runkis and Ludwig, Jr. discloses an invention substantially as claimed, including the system of claim 27, wherein the state information stored in the server includes information used as control information for late playback of the content from a position where playback of the content is stopped (Runkis, Page 13,

paragraph 0164 recites an example of starting to watch a movie on one PANO in a hotel room, stopping playback, and resuming playback where she left off on a flight PANO; Page 7, paragraph 0078 recites the rendering state being captured for the restart of rendering at another location).

As to Claim 33, the combination of Runkis and Ludwig, Jr. discloses an invention substantially as claimed, including the system of claim 27, further comprising a second control point for reading the state information stored in the server and setting the read state information to a second device (Runkis, Page 6, paragraph 00764 recites the retrieval of playback information from the central server via data files to a second PANO).

As to Claim 34, Runkis discloses an invention substantially as claimed, including a method for delivering content playback related information between devices [sic], the method comprising:

invoking an action to a device to store state information in the device (Runkis, Page 6, paragraph 0072 recites user-generated data files being stored in a non-volatile storage medium),

wherein the state information is included in the action as an input argument (Runkis, Page 4, paragraph 0049 recites the use of multiple PANO objects which are a superobject encompassing both software and hardware. Page 5, paragraph 0065 recites that the PANO monitors, controls and regulates data transfers across a network.

Page 6, paragraph 0073 recites that the server in this PANO network is the central controller's database, wherein the user's preference codes are transferred as an input argument to the central controller), and

the state information (Runkis, Page 6, paragraph 0073 recites user-generated data files being stored in the central controller's database. Page 7, paragraph 0078 recites the data files being part of an AV service) includes information related to rendering states in which content data is rendered (Runkis, Page 7, paragraph 0078 recites the rendering state being captured for the restart of rendering at another location).

Runkis does not disclose, but Ludwig, Jr. discloses an invention substantially as claimed, including on a single network (Ludwig, Jr. – Column 2, lines 54-61 recite multimedia communications carried out on a local area network).

The motivation and obviousness arguments are the same as in Claim 21.

As to Claim 35, the combination of Runkis and Ludwig, Jr. discloses an invention substantially as claimed, including the method of claim 34, wherein the at least two services are related to playback of content (Runkis, Page 7, paragraph 0078 recites a service being an audio/visual service and rendering control of watching a feature movie; Page 3, paragraph 39 recites that services may include audio, video, games, etc. at least two of which contain video content to be transported and rendered).

As to Claim 36, the combination of Runkis and Ludwig, Jr. discloses an invention substantially as claimed, including the method of claim 34, wherein the at least two services (Page 3, paragraph 39 recites that services may include audio, video, games, etc. at least two of which contain video content to be transported and rendered) each comprise at least each of:

an AVTransport service (Runkis, Page 7, paragraph 0078 recites a service being an audio/visual service and rendering control of watching a feature movie); and

a Rendering Control service (Runkis, Page 7, paragraph 0078 recites a service being an audio/visual service and rendering control of watching a feature movie).

As to Claim 37, the combination of Runkis and Ludwig, Jr. discloses an invention substantially as claimed, including the method of claim 34, wherein the stored state information includes information used as control information for late playback of a content from a position where playback of the content is stopped (Runkis, Page 13, paragraph 0164 recites an example of starting to watch a movie on one PANO in a hotel room, stopping playback, and resuming playback where she left off on a flight PANO; Page 7, paragraph 0078 recites the rendering state being captured for the restart of rendering at another location).

As to Claim 38, the combination of Runkis and Ludwig, Jr. discloses an invention substantially as claimed, including the method of claim 34, wherein the device includes

at least two services (Runkis, Page 7, paragraph 0078 recites a service being an audio/visual service and rendering by a device; Page 3, paragraph 39 recites that services may include audio, video, games, etc. at least two of which contain video content to be transported and rendered).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard G. Keehn whose telephone number is 571-270-5007. The examiner can normally be reached on Monday through Thursday, 8:30am - 7:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RGK

/Bunjob Jaroenchonwanit/  
Supervisory Patent Examiner, Art Unit 2152